

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOHN DOE,

Plaintiff/Counterclaim
Defendant,

v.

BAILA SEBROW,

Defendant/Counterclaim
Plaintiff.

Civil Action No. 21-20706 (SDW) (ESK)

ORDER

March 22, 2023

THIS MATTER having come before this Court upon Plaintiff/Counter-Defendant John Doe's filing of a Motion to Dismiss (D.E. 15 ("Motion to Dismiss")) Defendant/Counter-Plaintiff Baila Sebrow's ("Sebrow") Counterclaims (D.E. 13 at 8–9), and this Court having considered Doe's submission, for the reasons stated in this Court's Whereas Opinion dated March 22, 2023,

IT IS, on this 22nd day of March 2023,

ORDERED that Doe's Motion to Dismiss is **GRANTED in part and DENIED in part** as follows:

- 1) Sebrow's counterclaims for fraudulent misrepresentation (Count I) and defamation (Count II) are dismissed without prejudice;
- 2) Sebrow's counterclaim for defamation based on statements made during litigation (Count II) is dismissed with prejudice;
- 3) Sebrow's counterclaim for abuse of process (Count III) is dismissed without prejudice insofar as the claim challenges ongoing litigation; and

- 4) Sebrow's counterclaim for abuse of process based on Doe's alleged improper use of a temporary restraining order (Count III) remains.

Sebrow shall have thirty (30) days to amend the counterclaims that were dismissed without prejudice.

SO ORDERED.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
cc: Edward S. Kiel, U.S.M.J.
Parties